

FILED

SEP 18 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALLEN EARL DANIEL,

Defendant - Appellant.

No. 05-30155

D.C. No. CR-05-00006-DWM

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted September 11, 2006^{**}

Before: PREGERSON, T.G. NELSON and GRABER, Circuit Judges.

Allen Earl Daniel appeals from the district court's order revoking his supervised release and imposing a 82-day term of imprisonment. Daniel was

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

originally convicted of four counts of robbery of a bank, in violation of 18 U.S.C. § 2113(a).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Daniel has filed a brief stating that there are no grounds for relief, and a motion to withdraw as counsel of record. Daniel has not filed a pro se supplemental brief, and the government has not filed an answering brief.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), discloses no grounds for relief.

Accordingly, we **GRANT** counsel's motion to withdraw, and **AFFIRM** the district court's judgment.